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Application No. 03 015 677.2 - 2207	Ref. 99 328 akm	Date 15.01.2009
Applicant FUJITSU LIMITED		

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).



Braccini, Roberto
Primary Examiner
For the Examining Division

Enclosure(s): 2 page/s reasons (Form 2906)

The examination is being carried out on the following application documents:

Description, Pages

1-4, 14-37	as originally filed			
5, 6, 8-13, 38	received on	12.01.2007	with letter of	11.01.2007
7, 7a, 7b	received on	03.03.2008	with letter of	29.02.2008

Claims, Numbers

1-25	received on	03.03.2008	with letter of	29.02.2008
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Drawings, Sheets

1/14-14/14	as originally filed
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In spite of the explicit and repeated requests made by the examining division in its communications, the applicant has failed to provide a set of claims which meet the requirements of Article 84 in combination with Rule 43(2) EPC.

In particular, the newly filed claims 1 to 25 still comprise four separate independent claims.

The applicant alleges that present apparatus claims 1, 24 and 25 would fall within the exceptional situation set out in paragraph (c) of Rule 43(2) EPC.

However, the examining division fully disagrees with this view.

As a matter of fact both independent claims 24 and 25 include all the features of the very broad formulated claim 1, and as such they should have been formulated as dependent claims (Rule 43(4) EPC and Guidelines C-III, 3.4).

Moreover, the attention of the applicant is drawn to the first sentence of Rule 43(2) EPC: "Without prejudice to Article 82 EPC, a European patent application may contain more than one independent claim...".

However, present independent claims 24 and 25 are not so linked as to form a single general inventive concept:

The features "current detection circuit comprising a current detection part that is adapted

to detect change in a circuit current of the inverter through the medium of magnetic flux change due to change of the circuit current caused by discharge" of claim 24 are known, e.g. from document D1. The special technical features, representing the contribution over the prior art, of claim 24 are as follows:

- the current detection part is adapted to detect magnetic flux change occurring at a space of a core gap of a transformer of the inverter by a detecting conductor that is provided at the space of the core gap.

Neither these nor any corresponding technical features are present in claim 25, so that the technical relationship between the subject-matter of claims 24 and 25 required by Rule 44 EPC is lacking, and the requirement for unity of invention referred to in Article 82 EPC is not fulfilled.

Therefore, present claims 1, 24 and 25 clearly contravene Rule 43(2) EPC.

In the further prosecution of the application, failure to file an amended set of claims which complies with Rule 43(2) EPC, or to submit convincing arguments as to why the current set of claims does in fact comply with these provisions, may lead to refusal of the application under Article 97(2) EPC.

The applicant is hereby informed that he will be given only a further opportunity to amend the claims, provided that he will not attempt to return to claims which have previously been stated to be unallowable (Rule 137(3) EPC).

The objections addressed above and in the previous communications would be overcome if a new set of claims were drafted as to include a single independent apparatus claim corresponding to present claim 24.